

U.S. Patent Application No. 09/929,780
Reply to Office Action dated December 29, 2005

PATENT
450100-03413

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are pending in this application. Claims 1 and 9, are independent Claims 1, 9 and 10 are hereby amended. Claims 5 and 13 have been canceled without prejudice or disclaimer of subject matter. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 5 and 13 are canceled herein, obviating the objection.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-5, 8-13 and 16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,130,726 to Darbee et al. in view of U.S. Patent No. 6,405,049 to Herrod, et al. and further in view of U.S. Patent No. 5,963,624 to Pope.

Claims 6 and 14 were rejected allegedly under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,130,726 to Darbee et al. in view of U.S. Patent No.

U.S. Patent Application No. 09/929,780
Reply to Office Action dated December 29, 2005

PATENT
450100-03413

6,405,049 to Herrod, et al. in view of U.S. Patent No. 5,963,624 to Pope and further in view of
U.S. Patent No. 6,175,860 to Gaucher.

Claim 1 recites, *inter alia*:

“...control means for controlling, under the control of said electronic apparatus, an apparatus having functions of recording and playing broadcast programs in accordance with received selection information;

determination means for determining whether the selection information indicates information that has been recorded by the apparatus having functions of recording and playing broadcast programs...” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,130,726 to Darbee et al. (hereinafter, merely “Darbee”) relates to a remote control unit having a visual display for depicting a program guide, advertising and/or other content. Graphic program scheduling and advertising information is provided on a remote control display. User viewing habits are monitored and analyzed and, thereafter, programming and advertising content are tailored to the interests of the user or device. A graphic display of the remote control unit is utilized to deliver both program scheduling and advertising data to a user without causing an interruption in any programming that is currently being viewed by the user.

As understood by Applicants, U.S. Patent No. 6,405,049 to Herrod, et al. (hereinafter, merely “Herrod”) relates to a portable data device system that include a portable data device and a cradle for receiving the portable data device. The cradle is arranged to recharge the portable data device power supply and upload and download information to and from the portable data device.

As understood by Applicants, U.S. Patent No. 5,963,624 to Pope (hereinafter, merely “Pope”) relates to storing a variety of appliance control codes in a cordless telephone handset. The cordless handset can be used as a universal remote for the various appliances.

U.S. Patent Application No. 09/929,780
Reply to Office Action dated December 29, 2005

PATENT
450100-03413

Applicants submit that nothing has been found in Darbee, Herrod, or Pope, taken alone or in combination, that would teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that Darbee, Herrod, and Pope fail to teach or suggest control means for controlling, recording and playing broadcast programs in accordance with received selection information and determination means for determining whether the selection information indicates information that has been recorded by the apparatus having functions of recording and playing broadcast programs, as recited in claim 1.

Therefore, Applicants submits that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claim 9 is also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.


U.S. Patent Application No. 09/929,780
Reply to Office Action dated December 29, 2005

PATENT
450100-03413

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800